



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, October 11, 2010, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:02 p.m.

The following were present:

- Mayor Billy Bain
- Vice Mayor Jennifer Ator
- Councilman Bob Best
- Councilman Dan Espino*
- Councilman George V. Lob

* Councilman Espino arrived at 8:08 p.m.

Also Present:

- City Manager James R. Borgmann
- Assistant City Manager Ronald K. Gorland
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Finance Director William Alonso
- Comptroller Alicia E. González
- Public Works Director Robert T. Williams
- Human Resources Director Loretta M. Boucher
- Golf Director Michael W. Aldridge
- Golf Superintendent Sandy Pell
- Recreation Director Omar L. Luna
- City Planner Richard E. Ventura
- Elderly Services Director Karen Rosson
- City Clerk Magalí Valls

2. Invocation: Councilman Best offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Presentation from Mother Susan Keedy of All Angels Regarding Funding of their Basketball Court

Mother Susan Keedy, Head of School for All Angels Academy, introduced the newly elected Student Government.

Stacey Ann Park, President of the Student Government thanked the City and returned the money that they were given for the construction of the basketball court. The students who were present introduced themselves to Council.

Mayor Bain thanked the students and said that he appreciates the work they did in order to pay back the funds. He said that other associations may understand that this is a way that they can work together with the City in order to help each other.

Councilman Best stated that this is the first time a student body government from any school came before Council. He applauded them and said that this should happen more often.

Mayor Bain stated for the record that the check is for \$6,000.

4. Open Forum:

Recreation Fees

William Hernandez of 901 Swan Avenue stated that he frequently goes to the weight room at the Community Center, the fees are increasing and he would like to know if it would be possible to allow quarterly payments.

Miami Rescue Mission

Carol Snoke of 850 Oriole Avenue, volunteer for the Miami Rescue Mission, stated that she is holding a fundraiser on behalf of the City of Miami Springs and hopefully Council will approve a donation of \$5,000 for the organization. She is planning a concert at All Angels Church called "Miami Springs Rocks".

Skateboard Park

Bob Shultz of 100 Sunset Way asked about the status of the proposed skateboard park in Miami Springs.

Mayor Bain **requested** an agenda item for the October 25, 2010 Regular meeting for an update on the skateboard park.

In response to a question from Vice Mayor Ator, City Manager Borgmann said that the funds for the skateboard park were moved into the reserve fund in hopes of being able to move forward with the project in the future.

5. Approval of Council Minutes:

5A) 09/27/2010 – Regular Meeting

Minutes of the September 27, 2010 Regular Meeting were approved as written.

Councilman Best moved the item. Councilman Lob seconded the motion which was carried 4-0 on voice vote.

6. Reports from Boards & Commissions:

6A) 08/05/2010 – General Employees Retirement System – Minutes

Minutes of the August 5, 2010 General Employees Retirement System meeting were received for information without comment.

6B) 08/05/2010 – Police and Firefighters Retirement System – Minutes

Minutes of the August 5, 2010 Police and Firefighters Retirement System meeting were received for information without comment.

6C) 08/24/2010 – Ecology Board – Minutes

Minutes of the August 24, 2010 Ecology Board meeting were received for information without comment.

6D) 09/09/2010 – Board of Parks and Parkways – Minutes

Minutes of the September 9, 2010 Board of Parks and Parkways meeting were received for information without comment.

6E) 09/28/2010 – Ecology Board – Cancellation Notice

Cancellation Notice of the September 28, 2010 Ecology Board meeting was received for information without comment.

6F) 10/04/2010 – Approval of Actions Taken by the Board of Adjustment at their Meeting of October 4, 2010, Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of October 4, 2010, were **approved** subject to the ten-day appeal period.

Vice Mayor Ator moved the item. Councilman Lob seconded the motion which was carried 4-0 on roll call vote.

7. Public Hearings:

None.

8. Consent Agenda:

8A) Approval of the City Attorney's Invoice for September 2010 in the Amount of \$12,136.50

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

City Manager Borgmann explained that per the Mayor's request, there is a sheet in the agenda packet showing the amount that was spent for each of the items on the Consent Agenda in the current fiscal year. These are items that the City purchases throughout the year and the gross total at the end of the year is expected to be \$10,000 or more, which exceeds his authority. Council approves the purchase orders for expenditures that are made throughout the year.

The City Manager referred to the first three items for the various inspectors in the Building Department. He noted that one inspector is only paid what he earns and may not receive the full amount of the purchase order. The other inspections require part-time people to do the work. The other items on the Consent Agenda are broken down by departments.

Councilman Best thanked the Administration for the way that they put the agenda item together in a format that is easy to understand. He gave special thanks to Procurement Specialist Tammy Romero for her extra diligence.

Vice Mayor Ator agreed that the agenda information is very transparent for the citizens that can access the information to see how much was spent last year for the various items.

City Attorney Seiden stated for the record that most of the Consent Agenda items are for the purpose of establishing purchase orders for budgeted items, while some are actually purchases and some are waivers. Item 8AA is just authorization to sign an agreement for a small grant that he has written a contract for.

(Agenda Items 8B through 8AA were approved with one motion)

The following are Building Department related items:

8B) Recommendation that Council Waive the Competitive Bid Process, as Provided in Section 31.11 (E) (6) (c) of the City Code and Approve an Expenditure of, not to Exceed \$10,000.00, to M. Jurado & Assoc. for the Annual Costs of Mechanical Plan Reviews and Inspections

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8C) Recommendation that Council Waive the Competitive Bid Process, as Provided in Section 31.11 (E) (6) (c) of the City Code and Approve an Expenditure of, not to Exceed \$15,000.00 to Lonsdale Associates for the Annual Costs of Structural Plan Reviews

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8D) Recommendation that Council Waive the Competitive Bid Process, as Provided in Section 31.11 (E) (6) (c) of the City Code and Approve an Expenditure of, not to Exceed \$35,000.00 to AMA Consulting & Construction for the Annual Costs of Building and Roofing Inspections

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

The following are Finance Department related items:

8E) Recommendation that Council Approve an Expenditure of \$112,787.00 to Sungard H.T.E., Inc. for Application Service Provider (ASP) Service, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code, to Cover the Cost of the Annual Offsite Hosting ASP Contract

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

The following are Golf Course Department related items:

8F) Recommendation that Council Authorize the Opening of a Purchase Order in an Amount not to Exceed \$10,500.00 to PNCEF, LLC, for the Lease of Maintenance Work Carts, Pursuant to Existing Lease Agreement

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8G) Recommendation that Council Award a Bid to Wesco Turf, Inc., for the Purchase of One Toro Groundsmaster 7200 with Attachments, Utilizing State Contract # 760-000-10-1, in an Amount not to Exceed \$16,940.76, Pursuant to Section 31.11 (E) (5) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8H) Recommendation that Council Award a Bid to Wesco Turf, Inc., for the Purchase of One Toro Progressive Proflex Contour Mower 601205 and One Toro Greensmaster 3150 with Attachments, Utilizing State Contract # 760-000-10-1, in an Amount not to Exceed \$49,361.00, Pursuant to Section 31.11 (E) (5) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8I) Recommendation that Council Authorize the Opening of a Purchase Order in an Amount not to Exceed \$60,697.00 to Yamaha Motor Corporation for the Lease of Golf Carts, Pursuant to Existing Lease Agreement

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8J) Recommendation that Council Award a Bid for Fertilizers and Chemicals to Lesco John Deere Landscapes, Utilizing City of Delray Beach Bid # 2010-42, in an Amount not to Exceed \$25,000.00, on an "As Needed Basis" Pursuant to Section 31.11 (E) (5) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8K) Recommendation that Council Award a Bid for Fertilizers and Chemicals to Diamond R. Fertilizer, Inc., Utilizing City of Delray Beach Bid # 2010-42, in an Amount not to Exceed \$30,000.00, on an "As Needed Basis", Pursuant to Section 31.11 (E) (5) of the City Code

Mayor Bain referred to items 8K and 8L.

Finance Director Alonso explained that Diamond Fertilizer is a new vendor. This year the City paid \$37,700 to Atlantic Fertilizer and they are projecting \$30,000 next year with the new vendor.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8L) Recommendation that Council Award a Bid for Fertilizers and Chemicals to Howard, Utilizing City of Delray Beach Bid # 2010-42, in an Amount not to Exceed \$30,000.00, on an "As Needed Basis", Pursuant to Section 31.11 (E) (5) of the City Code

Mayor Bain noted that the memoranda in the agenda packet shows the amounts spent for these items last year as \$37,000, while the list in front of the Consent Agenda items shows the correct amounts.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8M) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$12,000.00, on an “As Needed Basis”, to Foot Joy, for Merchandise for Resale, i.e., Golf Balls, Tees, Shirts, Hats, Pursuant to Section 31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8N) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$12,000.00, on an “As Needed Basis”, to Titleist, for Resale of Merchandise, i.e., Golf Balls, Gloves, Shoes, Sportswear, Pursuant to Section 31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8O) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure not to Exceed \$20,000.00, on an “As Needed Basis”, to Hector Turf, for Repairs/Parts for Equipment, Pursuant to Section 31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8P) Recommendation that Council Approve an Expenditure in an Amount not to Exceed \$15,000, on an “As Needed Basis”, to Aeration Technology, for Deep Tining, Pencil Tining, Core Aeration, Hydration Tine, Verticutting, or Other Similar Procedures, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8Q) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$20,000, on an “As Needed Basis”, to Land and Sea, for Fuel and Oil, Pursuant to Section 31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8R) Recommendation that Council Approve an Expenditure in an Amount not to Exceed \$10,000.00, on an “As Needed Basis”, to Florida Superior Sand, for Topdressing/Sand/Soil Mixes, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8S) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$20,000.00, on an "As Needed Basis" to Turf Choice, for Chemicals, Pursuant to Section 31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

The following are Police Department related items:

8T) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure not to Exceed \$6,000.00 to Miami Lakes Veterinary Clinic , Pursuant to Section 31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8U) Recommendation that Council Approve an Expenditure, not to Exceed \$13,200.00 to AT&T Mobility, Utilizing WSCA 2 Master Agreement # 1523, Pursuant to Section 31.11 (E) (5) (g) of the City Code, to Cover the Monthly Charges for Wireless Connectivity/Modem Card Connections for Mobile Data Terminals

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8V) Recommendation that Council Waive the Competitive Bid Process, and Approve an Expenditure of \$14,957.75 to USA Software, Inc., for Support Contract-Renewal from October 1, 2010 to September 30, 2011, Pursuant to Section 31.11 (E) (6) (g) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

The following are Public Works Department related items:

8W) Recommendation that Council Approve an Expenditure of, not to Exceed \$25,000.00 to Sunshine Trucking, Utilizing Miami-Dade County Bid # 5986-4/11-4, for Rock, Sand, and 50/50, as Provided in Section 31.11 (E) (5) of the City Code, on an "As Needed Basis"

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8X) Recommendation that Council Approve an Expenditure of, not to Exceed \$20,000.00 to Grainger Industrial Supplies, Utilizing Florida State Contract # 445-001-07-1, as Provided in Section 31.11 (E) (5) of the City Code, on an "As Needed Basis", to Purchase Various Supply and Stock Items Needed for Various Public Works Departments

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

8Y) Recommendation that Council Approve an Expenditure, not to Exceed \$30,000.00 to Miami Tire Soles, Inc., Utilizing State Contract # 863-000-10-1, as Provided in Section 31.11 (E) (5) of the City Code, on an "As Needed Basis" to Purchase Automotive and Truck Tires to be Used in the Repair and Maintenance of the City's Fleet

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

The following are City Clerk's Office related items:

8Z) Recommendation that Council Waive the Competitive Bid Process, and Approve an Expenditure of \$18,000.00 to International Data Depository (IDD) as provided in Section 31.11 (E) (6) (g) of the City Code, for a One-year Contract Extension for Storage of Documents Required to be Kept by Florida Records Retention Laws and Schedules

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

The following are I.T.'s Department related items:

8AA) Recommendation that Council Award Contract to Victor Linares, the Lowest Responsive Bidder, in the Amount of \$2,000.00, for Photography Services, Pursuant to Section 31.11 (C) of the City Code

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 4-0 on roll call vote.

9. Old Business:

9A) Appointments to Advisory Boards by the Mayor and Council Members

Councilman Best (Group I) **confirmed the re-appointment** of Kevin Berounsky to the Board of Adjustment/Zoning and Planning Board for an unexpired term ending on April 30, 2012.

(Agenda Item 9B was discussed after Agenda Item 10G)

9B) Calvin, Giordano & Associates, Inc. – Scope of Tasks and Priorities

City Manager Borgmann stated that at the last meeting when the contract was approved Council asked to come back with a list of basic priorities.

Richard Sala of Calvin, Giordano & Associates, Inc. distributed a list of redevelopment solutions, listing activities and specific projects. He explained that the direction was to prepare a list that would be compared with lists from the City Manager and City Council

City Manager Borgmann explained that knowing that annexation may not happen as soon as the Administration had hoped for, they are recommending the changes to the district boundary regulations for N. W. 36th Street as one of the first priorities, while other work could be done concurrently at the same time. This area should be ready for development as soon as the economy turns around in the next year or two.

Mayor Bain agreed with the City Manager because N. W. 36th Street is also his priority. He would like to have the district boundary regulations in place within the next six months with the help of Calvin, Giordano & Associates. Since Council has proposed five projects utilizing the Citizens Independent Transportation Trust (CITT) funds, he would also like the consultants to oversee the work that has been done for the way-finding signage and lighting for the Circle and Westward Drive.

Vice Mayor Ator added that the missing color palette is important to the business and property owners and she assumes it would be part of the code revisions and land development.

Mayor Bain would like gradual compliance with the color palette or signage regulations in light of the economic times.

City Attorney Seiden explained that the new color palette and sign regulations would not be a requirement; it would allow the ability to look at what can be done for those who are interested. The only way a property owner would be forced to comply is if there was a code violation for property maintenance.

Councilman Espino asked to consider what would happen if a dedicated source of funding is found for the façade program.

Mayor Bain stated that there is a County grant that helps with signage or paint, but his main concern is that when new ordinances come into play that they should have time to comply.

Councilman Best mentioned that one of the five CITT projects to consider is the lighting for Canal Street, and whether or not the same style of lighting that is on the east side of Curtiss Parkway should be continued on the west side. He suggested seeking the advice of Calvin Giordano.

Councilman Espino agreed that he would also like to seek the advice of the consultant.

Richard Sala explained that the lighting transcends all the different functions and binds everything together. Finding the correct style/design theme is very important. They will look at Canal Street, Curtiss Parkway and Westward Drive to see which style is perfect. The Architectural Review Board recently adopted some ideas and themes that they would like to review, as well as other plans that were previously prepared and come back with recommendations. They will be able to tell if the best idea is to continue the same lighting style that is on Canal Street.

Mr. Sala understood that the goal tonight is to have the City Manager instruct Calvin, Giordano & Associates to bring a work order for 36th Street land development zoning code regulation updates, including the new floor area ratio issues and developer incentives. This is the right time to do this before the development hits again and it would be very manageable to bring back with an outline, time schedule and pricing.

Mr. Sala stated that the second component is the signage, color palette and façade program which ties in with aesthetics and design. The emphasis should be on sign installation, design criteria and way-finding for the City and within this, the other decisions will be made as to the motif, color, etc. with emphasis on how the lighting will be regulated.

Mayor Bain said the second thing to address would be the project that Council had already discussed for Downtown and that is the continuation of the existing lighting.

Councilman Espino said that there was no agreement to continue the lighting; there is a consensus to change the lighting on Westward Drive, but he has not agreed to continue the lighting because he does not know any details about them. The best way to address it would be for Calvin, Giordano to bring back a tentative plan that can be specifically tailored.

City Attorney Seiden explained that as a separate billable hourly item, the first priority would be the color palette. This would be an item that can be produced based upon prior drawings.

Mayor Bain said that 36th Street is one work order and the second would be the Downtown lighting and signage.

Councilman Espino explained that the lighting and signage is subsumed under the second work order related to aesthetics.

The Mayor referred to the plans for the Canal Street Linear Park project.

City Manager Borgmann stated that there would be no problem with the lighting style as long as the lumens meet the criteria for street lighting.

Vice Mayor Ator explained that the Architectural Review Board talked about lighting on top of the signs with the same look as the lights on Canal Street. She said that they agree on the lights and the signs, but they need assurance that it all blends together city-wide.

Mayor Bain stated that the reason he is pushing the signage and lighting projects is because CITT funds are available and perhaps the funds could be used to pay for the design phase.

Mr. Sala stated that they would be happy to work simultaneously on the two work orders.

To answer Councilman Espino's question, Mr. Sala said that the first two projects on the list were their first priorities, the rest of the activities and projects on the list they feel are important as funding becomes available. The bottom items on the list are managerial responsibilities that the City Manager may assign on an hourly basis to management and some things might come up from the Redevelopment Department.

Councilman Lob asked Mr. Sala if Calvin, Giordano would help the City to acquire extra funding and he answered affirmatively.

Councilman Espino stated that the creation of a Business Advisory Committee had been discussed months ago and it would be a compilation of business owners and residents to help the City. This would be something to consider as an agenda item for the next meeting in order to be able to build larger consensus and an agreement that people could join. There are many people who have been involved already and it would be benefit to the City to ask them to continue to help.

Mayor Bain agreed with Councilman Espino that discussion regarding the creation of a Business Advisory Committee could be an item for the next agenda.

Vice Mayor Ator stated that the role must be defined for the Business Advisory Committee within the Code or the duties must be defined even if it is only an ad-hoc committee.

City Attorney Seiden clarified that Calvin, Giordano would bring back proposals; they will not have any answers as to specific projects and then Council will give him and the City Manager direction to sit down and discuss the proposal.

By consensus, Council agreed that Calvin, Giordano and Associates would bring back proposals for the implementation of the district boundary regulations for the N. W. 36th Street areas and the design of lighting and signage, along with re-establishing the color palette for the Downtown area.

9C) Discussion of Authorization to Delay Presentation of Annexation to County Commission

Mayor Bain stated that this is a request for Council authorization to support a letter from the four cities asking Miami-Dade County Commission to delay a decision on annexation until a more appropriate time when there is a better climate for the County and the business owners in the area.

Mayor Bain explained that he and the Mayors of Medley, Doral and Virginia Gardens unanimously agreed to send a letter and he would like to have Council's support.

Councilman Best stated that he would give his support. He thanked Mayor Bain for meeting with the other municipalities and felt that it makes perfect sense to wait until there is a better climate.

By consensus, Council agreed to support a letter from Miami Springs, Medley, Doral and Virginia Gardens asking the Miami-Dade County Commission to delay a decision on annexation.

9D) Recommendation that Council Award RFP No. 11-09/10 for Emergency Debris Removal

City Manager Borgmann stated that the purpose of this Request for Proposal is to get one or more debris removal companies under contract to provide removal services after a hurricane or other disaster. He mentioned that in the past the City had relied on the associations with the various vendors that offered their services after an emergency.

City Manager Borgmann explained that the new process, which is recommended by FEMA, allows the City to select contractors in advance so that they are ready to work after a disaster. The interesting feature is that there is no cost to the City until the services are actually rendered by the company.

City Manager Borgmann stated that the review committee consisted of Chief of Police Peter G. Baan, Public Works Director Robert Williams, Procurement Specialist Tammy Romero and himself. There were fourteen responses, however, one was deemed non-responsive as they did not include the required information on unit pricing. The selection criteria included company location, pricing, references, experience and fiscal soundness among others. This arrangement allows the City to lock in the unit prices for the various activities.

City Manager Borgmann referred to the top five ranked companies as listed on the evaluation sheet:

- 1) Crowder from Alabama
- 2) DRC from West Palm Beach
- 3) Horizon from Hialeah
- 4) Phillips from Zepherhills
- 5) Ashbrit from Pompano.

City Manager Borgmann explained that Ashbrit is a stellar company and the only thing that held them back was their pricing. The number six company, Bergeron, was only ¼ point behind Ashbrit on the final average and they could also be extended an agreement. He said that this particular arrangement based on location is recommended because a local vendor could be put out of business if there is a direct hit by a hurricane.

To answer the Mayor's question, City Manager Borgmann clarified that the agreements would go into effect immediately.

Mayor Bain recommended including the number six ranked company, Bergeron, as well since they are in Fort Lauderdale.

Councilman Best moved to instruct the Administration to enter into an agreement with bidders ranked number one through six. Councilman Lob seconded the motion.

City Attorney Seiden explained that approval is contingent upon the companies agreeing to enter into such contracts. The number one or two ranked companies might not have a problem, but numbers five or six might because the City will not offer a contract until they choose not to use companies one through four.

City Manager Borgmann clarified that the City would like to have agreements with all these companies with the full understanding that if they cannot respond, it gives the City the right to go down the list to the next vendor.

City Attorney Seiden stated that one provision in the agreement would recognize that there are six companies under contract and if the number one company can do the job the process would stop there. However, they must also understand that the City has the perfect right to go to the number two company and so on down the list.

Councilman Lob agreed that it made sense to have one company from outside the area to allow more variety.

The motion was carried 4-0 on roll call vote.

10. New Business:

10A) Approval of Budget Transfers Within Departments Pursuant to Section 9.04 (1) of the City Charter

City Manager Borgmann stated that approval of inter-departmental budget transfers is a standard practice that is called for under Section 9.04 (1) of the City Charter. Normally, there are unforeseen expenditures within departments and funds are shifted from one account to another, which does not change the bottom line.

Councilman Best moved the item. Vice Mayor Ator seconded the motion.

Vice Mayor Ator commented that the transfers are related to the previous fiscal year.

City Manager Borgmann answered the Mayor's question in regard to Transfer # 07-005 totaling \$934.00.

To answer Vice Mayor Ator's question, Finance Director Alonso explained that the Department Head that authorized the transfers placed the description of the expenditure in the space that is provided for the description of the account. The description of the expenditure is supposed to be provided at the bottom of the form in the space for remarks.

Vice Mayor Ator would like the forms to be corrected for the official public records.

Finance Director Alonso clarified that the account numbers and the amounts listed are correct.

Councilman Best withdrew his motion and Vice Mayor Ator withdrew her second.

Councilman Best moved the item with the corrections as requested by the Vice Mayor. Vice Mayor Ator seconded the motion, which carried 4-0 on roll call vote.

10B) Updating of City Sign Ordinance 150-030 (J) – “Open House Signs”

City Manager Borgmann stated that in consideration of updating the Zoning Code, the Administration is presenting two items for discussion and direction. The updating of the sign ordinance to address “Open House” signs is one item because the current ordinance is vague in regard to restricting the amount of time a sign can be placed. The Code has no definitions as to what constitutes an “Open House” sign. The following recommendations clearly define the time restrictions and sign requirements:

1. In 150-030 (J) (Exhibit “B”), add the following language in the section for “Residential real estate open house directional signs” by revising the current caption of “Length of display” to “Length of time to display and rules.”

Further, “Open House” signs shall be left in place only on the day and during the hours of the Open House. Open House signs cannot be displayed unless there is actually an Open House being held, with the owner or a representative available at the house to allow access to prospective buyers. In no case shall the sign be left in place for more than two consecutive days, or up to a maximum of three days in any seven day period. Open House signs must state “Open House” in large letters. Other types of signs such as realtor signs or “For Sale” signs cannot be used as Open House signs.

City Attorney Seiden explained that Code Compliance had experienced a number of problems.

Councilman Lob asked if this change would also address the issue that was raised by realtor Bob Schwinger.

City Attorney Seiden responded that the issue raised by Mr. Schwinger would be addressed in a separate provision. He is first addressing the problem from the Code Compliance Department. The Code currently says that realtor signs can only be placed on the property where the realtor is representing the client and Mr. Schwinger wants to place "Talking House" signs in the same locations as "Open House" signs, which could create a certain amount of sign clutter.

Assistant City Manager Gorland stated that the question is whether or not a "Talking Sign" is an "Open House" sign or a real estate agent sign that must be on the property per Code.

Vice Mayor Ator would agree that the Code basically excludes "Talking House" signs and to be fair this should also be considered at the same time.

Mayor Bain agreed that provisions for "Open House" and "Talking House" signs should be addressed at the same time. The "Talking House" signs would be the same except that it would reference the radio station to access the information and exclude the realtors' name.

Vice Mayor Ator suggested that the time restriction for sign placement would be the same for both types of signs. The idea is to allow the "Talking House" signs in the median with directions pointing to the houses, the same as "Open House" signs. On the other side, the City does not want that much sign clutter.

City Attorney Jan K. Seiden said that the City really does not care as long as there are legitimate open houses on the same day.

Assistant City Manager Ronald K. Gorland said the signs normally have the realtor's name, even though they are not supposed to, but the City has been trying to accommodate the home sales.

Mayor Bain stated that the idea is to accommodate the realtors and to stop sign clutter. The Talking House signs announcing an Open House with the radio station noted will solve the problem.

Councilman Best felt that the Talking House signs used the same technology as a few holiday light displays where the music can be heard on the radio station.

City Attorney Seiden explained that the Code has been strictly enforced and there is no reference in the Code to Talking House signs, which in the past have been realtor signs with talking information. He asked if Council would be in favor of allowing the recommendation, including talking signs with no realtor information and the same restrictions would apply.

Councilman Lob asked if there is a specific sign dimension and City Attorney clarified that the size is limited to 450 square inches.

City Attorney Seiden stated that in addition to “Open House” the sign would refer to a specific radio frequency.

Vice Mayor Ator was of the opinion that “Talking House” signs were not the same as “Open House” signs because a “Talking House” is always an open house because someone can drive by and listen to the information at any time.

City Attorney Seiden said that if the “Talking House” signs become real estate signs then it would open the gates to all signs.

Vice Mayor Ator did not feel that it would solve the problem that was raised in regard to “Talking House” signs. Code Compliance is removing the signs that are next to “Open House” signs that direct the people down the block to the “Talking House” sign.

Mayor Bain understood from Mr. Schwinger that he could not put his “Talking House” sign in the same location as an “Open House” sign. He was of the opinion that the sign would be a talking sign for the open house on a particular day.

City Attorney Seiden said that the reality is that the Code would now allow “Open House” signs, which is not a problem. Now, Council will be approving “Open House” signs that have a talking feature. The Vice Mayor is suggesting a third type of sign, which is not an “Open House” sign; it is a talking sign that would remain in one location.

Vice Mayor Ator clarified that she is not proposing to allow the “Talking Sign” to remain in one location indefinitely. She would suggest a time restriction of two consecutive days or a maximum of three days in any seven day period. The talking sign would direct people to the house so that they could listen to the information, the same as an “Open House” sign directs people to the home so that they can go inside. She reiterated that it should be under the same time restrictions.

City Attorney Seiden added that Code Compliance Staff is suggesting a modification to the language allowing the open house signs to be left in place on the day and during the hours of the open house. If the open house closes at 6:00 p.m. the sign must be removed that same day. He asked if the same should also apply to the talking sign.

Vice Mayor Ator said that the argument is that the talking sign is always working to advertise the house.

Councilman Lob felt that a talking house sign should be in front of a house as a regular feature. He said it would make no sense to listen to a sign that is placed in the median.

Vice Mayor Ator said that the sign in the median would direct a person to the home where they could listen to the information.

Councilman Best suggested that the Code could be amended to allow the directional talking house signs in the median as long as they are removed within the specified period of time.

Mayor Bain agreed that there should be one sign that leads people to the talking sign to listen to the radio station. He suggested that the sign would be an “Open House Talking Sign”.

Councilman Best said that the sign in the median would say “Open House” with “Talking House” underneath with the radio frequency.

Vice Mayor Ator disagreed that it would not be an “Open House”; it would only be a “Talking House”. The City Attorney is asking if the code should specify “Open House” and the agreement seems to be that it definitely should say “Open House”.

City Attorney Seiden said that it should be like an “Open House” sign. His issue is that there is a limitation on what is proposed by the Code Compliance Staff as to how long they can stay up.

He felt that the Vice Mayor is taking Mr. Schwinger’s position that the “Talking House” sign be exempt from that time limit.

Mayor Bain felt that Mr. Schwinger’s only objection was the fact that Code Compliance was removing his signs. He only wants the signs posted when he is holding the open house.

City Attorney Seiden will draft the ordinance as discussed so that both signs are in compliance and if there are any other issues to address it can be done during the first or second reading of the ordinance.

City Attorney Jan K. Seiden will draft an ordinance as discussed.

10C) Updating of City Off Street Parking Ordinance 150-016 (10) (a-b) Driveways and Driveway Approaches

City Manager Borgmann stated that this item addresses the updating of off-street parking in Code of Ordinance 150-0106 (10) (a-b), driveways and driveway approaches. There was an issue in the past in regard to this and the percentages of front yard coverage.

City Attorney Seiden stated that he prepared three ordinances over a period of 1-1/2 years that changed the language of the Code. The Department has not been enforcing the Code as written and now they are proposing new language. The Code provides for different types of driveways in certain sizes within the property and there is also a provision for impervious and non-impervious surfaces (40% or 50%) depending upon new construction or old construction.

The proposal is to eliminate those sections of the Code that specify the sizes of driveways because the geometrics of actual driveways often do not fit due to the different lot sizes, according to Attorney Seiden. The point that is important is that the drainage of any particular property does not go onto the neighbor's property. As long as a property meets those standards for not covering too much of the front yard and is consistent with the 40% and 50% coverage required in the Code, then the size requirement could be eliminated to allow any size driveway.

City Attorney Seiden explained that the legislation on size would only apply to driveway approaches between the sidewalk and the street. The proposal for one entrance is to allow a 16-foot approach that flares out; for two entrances to the property, the approaches would be limited to 12-feet each. The current code allows the approach to be the same dimension as the driveway, but this will change if the ordinance is amended to remove the driveway sizes.

City Attorney Seiden clarified that there is no protection of swale areas in regard to impervious and non-impervious areas. There is more need for restriction on asphalt, cement, brick, etc. in the swale areas that there is on personal property. The other issue is appearance and there are differing opinions.

*Councilman Espino arrived at this time (8:08 p.m.).

Assistant City Manager Gorland stated that it is common for people to place decorative rock on either side of the approach to match the look of the driveway and this allows the drainage. The recommendation is to keep as much of the swale as possible for drainage.

Mayor Bain said that the current provision is fine as long as it is written in a manner that makes it easier to understand.

City Attorney Seiden explained that going forward the recommendation is to change the ordinance to eliminate the size requirements for driveways; the only other decision that Council has to make is if they want to restrict the width of the approaches or leave the current language that says whatever size the driveway turns out to be it will match the approach.

Vice Mayor Ator asked how this would impact someone that is adding an extra bedroom and is required to provide more parking.

City Attorney Seiden responded that Section 150-016 (4) refers to maximum vehicular and impervious area in the front yard. The language states that:

“Off street parking shall be placed and configured on each lot or parcel of land in such a manner that the percentage of the total front area that is occupied by vehicular use or parking spaces, isles, driveways, and by other impervious surfaces, such as walkways, shall not exceed the following: 40% for new construction, 50% for existing construction with additions . . .”

Mayor Bain would like to simplify the language and allow the property owner the option to match their approach with the driveway.

City Attorney Seiden understood that the Mayor is proposing to keep Section B the same and he has no objection to changing Section A to the 40%.

Vice Mayor Ator said that the only problem is people have expressed concern about getting approvals for their plans. She feels that this would affect the parking requirement when adding a bedroom and it might be too vague.

Councilman Espino asked if a ratio that slides with the width of the property would be correlative and address both issues. A property that is only 50-foot wide is limited to what can be added to the home and it might be possible that one proportion would address both the width as the amount of spaces per construction.

City Attorney Seiden stated that people with smaller lots will have more problems, but this has not been addressed. He suggested that an expert could answer those questions. He said that when he revised the ordinances for driveways there were different standards for different size lots, but the 40% and 50% requirement was never changed; this is a problem that people with small lots have to live with and they might not be able to build another parking space in the front yard.

City Attorney Seiden asked Council for direction on the requirement for approaches and whether or not they wanted the Code to stay the same or if they wanted to change it to the 12-foot/16-foot requirement.

Vice Mayor Ator felt that someone should be allowed to have a smaller approach if they have a larger driveway.

City Attorney Seiden clarified that an approach could be the same width or less than the driveway, but not wider. There is also a requirement in the Code that no driveways or walkways can be closer than ten-feet and this will not be changed.

City Attorney Jan K. Seiden will draft ordinance as discussed.

Mayor Bain called for a 5 minute recess.

(Council discussed Agenda Item 10G at this time)

10D) Resolution No. 2010-3493 – A Resolution of the City Council of the City of Miami Springs Supporting and Endorsing the South Florida Parks Coalition Charter. Its Intent, Goals and Principles; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

Attorney Seiden stated that this item was discussed at the last meeting, it is a Florida League of Cities matter and Council agreed to the resolution.

Councilman Best moved to adopt the resolution. Vice Mayor Ator seconded the motion which was carried 5-0 on roll call vote.

10E) Resolution No. 2010-3494 – A Resolution of the City Council of the City of Miami Springs, Florida Providing for the First Amendment to the FY2010-2011 General Fund and Special Revenue and Capital Projects Fund Budgets; By Re-appropriating Reserved Fund Balances to Fund Open Encumbrances Through September 30, 2010; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

Attorney Seiden stated that this basically carries over the open encumbrances from last year to be paid this year.

Vice Mayor Ator moved Resolution 2010-3494. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

10F) Resolution No. 2010-3495 – A Resolution of the City Council of the City of Miami Springs Amending the Current Schedule of Charges for the Use of City Recreation Facilities and Related Services; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

City Manager Borgmann stated that Council had instructed the Administration to come back with recommendations for discounted prices for family plans depending on the number of people or facility uses.

Parks and Recreation Director Omar Luna explained that he met with his Staff and received feedback from the residents and potential customers who solicited their ideas. They came up with a yearly family fitness room membership for two people for \$250.00, which is a \$50.00 discount. The fee for a family of three would be \$350.00 or a \$100.00 discount and any additional family member would be \$75.00 additional. A membership of four for \$600.00 would be reduced to \$425.00.

Mr. Luna stated that memberships could be tailored to the specific needs of the family. For example, a family with an adult 19 years of age could have an open gym membership for the year and would pay an additional \$150.00 toward the family membership. There is also a yearly membership for open swimming for children that could be added to the family membership.

Mr. Luna reiterated that a special rate will be given for the yearly individual membership for open gym and open swimming that allows a better rate with the purchase of a family package.

Councilman Espino complimented Mr. Luna for his recommendation that allows people to select a plan that is tailored to their budget, needs, the number of children, etc. at a yearly rate with a discount.

Councilman Best asked what would be the fee for a family of four for open access to the pool, fitness room and the open gym.

Mr. Luna responded that he would have to calculate the total for all the items and Councilman Best felt that the combined fee would be very expensive.

Mr. Luna said that many families have children with different interests; one might want to swim, while the other does not and this recommendation allows a family to tailor the plan.

Vice Mayor Ator explained that under the former fee schedule, the family membership for four was \$900.00. Assuming there are two adults and two children under the age of thirteen, the total would be only \$760.00 under the new proposal because there is no charge for open gym for the kids.

Councilman Best reiterated that it seems like a lot of money for a family of four.

To answer Councilman Espino's question, Mr. Luna responded that there had been discussions about the possibility of installment payments.

City Manager Borgmann suggested that the City Attorney could add a provision that would allow Staff the authority to implement whatever payment plans might be acceptable.

City Attorney Seiden agreed that a notation could be made that payment plans are available as authorized.

Mayor Bain suggested reducing family plan fees by 25%.

Councilman Espino asked how a 25% reduction would affect the budget projections.

Mr. Luna stated that the target is 18% revenue compared to budget. He estimated 150 memberships for the fitness room. There were 400 people registered under the previous \$50.00 rate.

Mayor Bain reiterated his recommendation for a 25% reduction for family plans as listed under items number 3 and 4 of the Schedule of Charges. Councilman Best agreed.

Vice Mayor Ator stated that the fee for the annual fitness room membership fee for a family of two skews the numbers because for one person it is \$150.00 and for the second person it is \$187.50. They would only be paying \$37.50 for the second person.

Vice Mayor Ator calculated the fees with the 25% reduction. She felt that the individual membership fees appeared high compared to the family membership fees.

Vice Mayor Ator moved to adopt resolution 2010-3495 as amended. Councilman Best seconded the motion.

Councilman Espino commented that the amendment also includes the asterisk notation so that an installment plan can be implemented by Staff.

The motion was carried 5-0 on roll call vote.

Mayor Bain asked the Administration to check to see if there is a law related to those 65 and older to allow discounts.

City Attorney Seiden responded that any state or federal law would only apply to licenses for those jurisdictions.

(Agenda Item 10G was discussed after 10C)

10G) Presentation from Pastor Gordon Pike from Poinciana United Methodist Church Regarding a Proposed “Give Thanks” Concert

City Manager Borgmann explained that Pastor Pike had appeared before Council at the last meeting during open forum. His request is for the church to host a concert for the benefit of all the residents as a “thank you” for allowing the Pumpkin Patch at the Curtiss Parkway location. The issue is approval for utilizing the Circle, the County show mobile, as well as the required police service.

Pastor Gordon Pike of 300 North Royal Poinciana Boulevard requested permission to use the Circle.

Chief of Police Peter G. Baan explained that three to four officers would be needed for the term of the event, plus time before and after to set up and take down the barricades. The off-duty charge is \$35.00 per hour, per officer or \$105.00 per hour for the term of the event. If the City pays for the service it would cost more at the overtime rate.

Mayor Bain clarified that the dates are open for use of the Circle and the logistics will be worked out with Staff.

Councilman Espino moved the item. Councilman Best seconded the motion which was carried 5-0 on roll call vote.

10H) Request from Chamber of Commerce to Sell Beer and Wine at an Event Inside the Sosa Theater

City Manager Borgmann stated that this is a request from the Chamber of Commerce to sell beer and wine at an event at the Rebeca Sosa Theatre on Sunday October 17th with special guest Davy Jones of the former Monkees. The facility will be closed to the public for recreational purposes and the event will be strictly confined to the theatre and lobby.

Mayor Bain commented that someone would have to be responsible to check identification and the City Attorney explained that the Chamber of Commerce would be responsible.

City Manager Borgmann stated that the question of insurance liability was raised. He does not know what type of insurance the Chamber has to cover this type of event; to his knowledge the liability coverage for a one-night event is approximately \$285.00, which does not include alcohol. The question remains as to whether or not the City is a co-sponsor or if it is strictly a Chamber event.

To answer Councilman Best's question, City Manager Borgmann clarified that the Springs River Festival event is approved by Council and the City is authorized to sign off on the three-day beer and wine license.

Councilman Espino clarified that the Springs River Festival committee has event insurance.

City Attorney Seiden understood that it would be a Chamber event that will benefit the Chamber. Council is being asked to give permission for use of the facility and to allow beer and wine to be served. Council would authorize the endorsement of a one-day temporary beer and wine license and usage of the facility, subject to the Chamber acquiring event insurance.

Lily Saborit-Abello of 117 Palmetto Drive stated that liquor liability is sometimes a difficult subject. Non-for-profit organizations can pull a 3-day permit, but the personnel serving the liquor have to have liquor liability. If the Chamber is responsible for dispensing, they would need to hold the insurance and normally this can be pulled under a general liability insurance policy without a problem.

City Attorney Seiden clarified that it would be a Chamber event and all responsibility for insurance and liquor licensing would be their responsibility.

Ms. Saborit-Abello added that the liquor liability insurance is more expensive than general liability. She explained that the Chamber could acquire a partner to help dispense the product that already has the license.

City Attorney Seiden explained that the motion would be to allow the Chamber to use the facility, subject to securing the appropriate insurance coverage to allow the sale of beer and wine.

Vice Mayor Ator moved to allow the use of the facility subject to securing the appropriate insurance coverage for the sale of beer and wine. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.

Donna Wood-Beney of 3971 N. W. 65 Avenue, Virginia Gardens referred to a list of Chamber events and asked if Council had any questions. She requested authorization for utilization of the Circle for several Saturday night events in November.

Ms. Wood-Beney clarified that the Chamber would pay for the police service for the event on Sunday October 17th, as well as the events on November 6th, 13th and 20th.

Council **agreed** to place the request on the agenda for consideration at the October 25, 2010 Regular meeting.

City Manager Borgmann clarified that tickets for the Davy Jones concert are available on-line at www.miamisprings.com.

Ms. Wood-Beney added that tickets are only available on-line and the receipt will serve as the admission ticket.

10I) Presentation from Mother Susan Keedy of All Angels Regarding a Movie Night Donation

(Mother Susan Keedy had already left and Vice Mayor Ator presented the item).

Vice Mayor Ator referred to Movie Night as one event that the Church wishes to keep doing on the third Friday and for the City to pay for the police services.

Chief of Police Pete Baan said that three officers are needed since the crowd has grown, which works out to \$105.00 per hour for the length of the event, plus one-half hour before and after the event.

Vice Mayor Ator stated that it would be approximately 4-1/2 hours considering that two movies are shown.

If the City donates the funds they can be used to pay for extra duty officers, which is less expensive, according to Chief Baan.

Mayor Bain asked to make sure the movie night dates are coordinated with other events, including the Chamber of Commerce activities.

To answer Councilman Best's question, the City Manager clarified that the movie nights are held the third Friday each month from November through March.

Mayor Bain stressed the importance of resodding the Circle.

Councilman Best moved to approve a donation for funding the police services for five movie night events on the designated dates. Councilman Espino seconded the motion which was carried 5-0 on roll call vote.

11. Other Business:

11A) Consideration of a Vote of Confidence for the City Manager as Required by Section 4.02 (2) of the City Charter

City Manager Borgmann stated that he had placed the actual section from the City Charter on the dais which refers to the vote of confidence. He referred to the many good things as well as disappointing things that happened this year, a good example being the Community Center that everyone can be proud of. There were a couple of missteps along the way regarding the City's finances, but Council has never seen a bad number from this Administration since Finance Director William Alonso has been on board.

Mr. Borgmann acknowledged that there had been some downfalls this year and he would have loved to have concluded a lot of different projects, i.e. starting downtown revitalization, a decision on annexation, and the skateboard park, and whether or not Council wants to hold him responsible for that or not, he assured them that it certainly was not for a lack of effort.

The City Manager stated that he would certainly enjoy serving another year as City Manager. He stated that he is not aware that he has done anything worthy of being terminated, but he knows that all Council members will probably have individual comments and he looks forward to hearing them.

Mayor Bain offered the floor to Councilman Lob.

Councilman Lob acknowledged that there had been issues and he has talked about them privately with the City Manager, and the issues that he has had have been addressed. He hopes that this is the same with everybody else. He stated that he would like to hear everybody's comments, but as far as the City's financial status is concerned, it is a testament to everybody that works with the City Manager and also to the City Manager himself. He reiterated that he would like to hear comments from the other Council members.

Councilman Espino stated that he is not as satisfied as Jim would hope that he would be. He remembered that during the candidate's forum, they were asked whether or not they would be willing to work with Jim Borgmann and he said "yes". The residents keep Council on their toes, and the City Manager must also respond when Council keeps him on his toes, and frankly, he does not think that he has responded. As an operator, the City Manager does a good job, but the City Manager's position is significantly more than just being the operator of the City.

Councilman Espino has found in the almost two years that he has been serving with all of the Council that it is a tremendous privilege because our neighbors, friends and family have put us up here to direct their quality of life. The person that we select to put policies in place, by extension, is also a privilege and he does not feel that the City Manager has responded. He added that his comment is not going to catch Jim by surprise because he has had about a dozen conversations with him about a variety of issues.

Councilman Espino felt that there are major Council prerogatives that we are still dealing with tonight that have gone on unresolved despite Council recommendation. One of the first things Council did was to put money aside for events with the instruction to create a form and a process through which to receive the information. He said that to this date Council has incomplete information with which to make a decision and Council wants to do what is best for the community. There has been no follow-through.

Councilman Espino stated that the website is another prime example. It was one of the first priorities of this Council. After eighteen months it is finally getting done, but the Request for Proposals (RFP) did not go out until February. He finds it disingenuous that the City Manager said that he would have wished the skate park would have gotten done. This process is preposterous and it has taken three years, there is no inventory of properties, the Manager has allowed Council to hopscotch from location to location with inadequate information or sometimes no information at all with regard to some of the things that have been provided.

Councilman Espino said that the process has frustrated him to no end, especially with regard to commercial revitalization, only because he knows that in other municipalities the City Manager is a consensus builder, where he cannot poll Council, but he can certainly do things to coordinate efforts and he is of the opinion that Jim keeps Council members far apart from each other as he possibly can.

Councilman Espino said that it is just a matter of management style. It is about follow-through, about information, it is about delivering to the Council and effectuating what they asked to do. Considering over the eighteen months what Council has wanted to do and this being one of the most proactive Councils, it has not been done and he cannot say that it is the City Council's fault and when people ask him, it is not on the policy side, it is on the implementation side and Jim is Council's implementation arm.

Councilman Espino said that with all due respect as a person, because he finds Jim extremely nice; as an operator of the City doing the mechanical things, yes, that is fine, but a City Manager has to be a person that guides the City Council, steers, avoids pitfalls and he has told this to Jim. He complained about the lack of information that Council gets, the CITT being one of the most prime examples since here we are eighteen months talking about a policy and it took all this time to say the City could use that money. Most of the time he ends up doing his own research on a variety of things and frankly he does not want to proceed under Jim's management.

Councilman Espino thinks that Council needs to have somebody that is willing to be as proactive as Council is and not fly under the radar and tonight the City Manager is getting a "no" vote from him.

Vice Mayor Ator said that she pulled up the Charter, she made some notes, and she feels very prepared, unlike last year. The three basic jobs of the Council are to hire and fire the City Manager, to pass the budget and to enact ordinances for the health, safety and welfare of the community. The most important job that Council has is hiring and supporting and giving feedback and essentially firing the City Manager when the time comes.

Vice Mayor Ator said that she created two lists and she will start with the positives. The City Manager is really good at managing problems. He became Manager when the City had a whole lot of problems and the City has solved a lot of those problems; the financial situation is really outstanding and some of the issues that created the financial situation are gone. She thinks that the City Manager is really excellent at managing crisis and not everyone is. This year he has worked super hard on the issues with the County, and she appreciates that, between the completion of the Community Center, the trees on Ludlam, the funding for CMI and even the issues with annexation that the City continues to talk about.

Vice Mayor Ator believes that the City Manager really understands the way government works and that is an asset to the City. Very few people know the history of Miami Springs and he does, maybe our lawyer as well, but he is a good representative and a face for the City outside the City. He is not a loose cannon, he does not represent things that Council does not want represented; those kind of qualities in a City Manager cannot be set aside.

On the negative side, Vice Mayor Ator said that the first thing that she listed and the most significant thing she sees is that the City Manager does not handle criticism or stress very well, while he is very good at handling crisis. When it comes time for constructive criticism that is something that she thinks the City Manager needs to work on essentially.

City Manager Borgmann agreed with Vice Mayor Ator on that point.

Vice Mayor Ator continued saying that the City Manager even has a flair for the dramatic when he is criticized. Also, sometimes the City Manager is a bad delegator. There are times when the City Manager has been seen doing some things that could have been delegated to Staff.

Vice Mayor Ator also thinks, and this goes a little bit to what Councilman Espino mentioned, is that there is a lack of innovation or initiative within his staff, and she has talked a little about this, and it is not all the departments, but there are departments where they do not recognize, suggest or facilitate creative solutions to problems. She said that the City Manager brings the problems to Council and they have to come up with creative solutions and she thinks that these are full-time jobs and she would like to see it coming the other way.

Vice Mayor Ator said, and she thinks this also goes directly to what Councilman Espino was talking about, is that if there is not an actual vote on the item, sometimes that item flounders. The City Manager lets it die rather than coming back with the information that Council needs. The example she can best give is the shirt logo. Council approved it on September 9, 2009 and on October 11, 2010, the only person that has a shirt with that logo is Councilman Espino and it is not pretty. There is a lack of follow-through.

Vice Mayor Ator believes that the City Manager seems to be satisfied with the status quo, which is not acceptable to her. There are a lot of things in all departments that could be done to make the City the best that we can be and she does not see initiatives very often coming out of the departments. There does not seem to be a lot of “thinking outside the box” and that goes with the standard that no one is complaining. She believes that the City can do better and can be better.

According to Vice Mayor Ator, the next thing on her list, which Councilman Espino also mentioned, and she does not think that she had this problem as much as other people have, but she thinks that Council does not get full information. Whether it is an innovative idea or something Council has been working on, but there have been times in the last year that the Mayor had said, “Where is the back up that I ask you for every single time?” After seven years, if that is what the Mayor has asked for for seven years, she thinks that Council should be seeing it every single time.

On a personal level, Vice Mayor Ator is of the opinion that the City Manager sometimes does not take her seriously, and she does not know if other people feel that way personally too, but she does not know if it is because of her age or her gender.

Vice Mayor Ator cited another example. A year and a half ago when Council was first elected she went to the City Manager and said that it would make it easier to evaluate him if he could prepare an evaluation sheet, and in response the City Manager provided Council with an evaluation sheet, but this year, Council had nothing in the packet and it was disappointing to her.

Since this is the opportunity for constructive criticism, Vice Mayor Ator said that possibly the City Manager could be more effective if at the end of the meeting he could double check on a punch list for the next time and make sure of what he absolutely needs to bring to Council after two weeks, because sometimes the direction is not always clear. The City Manager needs to do a better job of asking questions during the meeting and also follow-up questions after the meeting. She said that she never hears from the City Manager with questions and it would seem to her that rather than listening to the discussion of everyone talking over each other that this could possibly help him in being more effective.

Vice Mayor Ator would also ask that the City Manager take the initiative to bring the creative ideas to the Council. She does really not even know what the staff needs. She needs to know from the departments.

Vice Mayor Ator said that she is not ready to discontinue the City Manager's service as of today. But, just like she has said in the past with some of the groups that have asked Council for money and Council agreed to give them the money this year, but next year they must come back and be re-evaluated. She said that it would not take her a year, if things continue to move along and she did not see real initiative out of the city staff, she would be disappointed and she would be more inclined to take the City Manager out back and shoot him, as the Mayor might say. She said that concluded her well prepared remarks and she thanked Council for the opportunity to give her comments.

Councilman Best commented that he did the same thing as Vice Mayor Ator did. This is his sixth time having to cast a vote on the City Manager's performance. He was elected by the electorate to represent the people of Miami Springs. His job is to represent the people and in representing the people it is his job to have a City Manager that lays out the day to day operations within the City. In saying that, he would also include laying out a good staff, paying attention to emergency situations and working the day-to-day items that City business calls for.

Councilman Best knows a lot of city managers around the state, and has met and talked to a lot of them in the last six years going to the Florida League of Cities events. Most of them know Jim and he can guarantee that Mr. Borgmann is a product of this City. Mr. Borgmann thinks, breathes and bleeds this City and irrespective of what Council has heard, he does not share the opinion in regard to the criticism from a couple of his colleagues. Any time that he has ever needed anything relative to a question, either from the Manager or the Attorney, it is a phone call away and they respond. He is not left hanging.

Councilman Best stated that Council has dealt with three roll backs, based on putting together an \$18MM to \$20MM budget every year, managed to keep the millage rate relatively close the last three Councils and put a new Community Center up. The lighting has been done. The City has moved as far as possible on annexation relative to the County Commission. The infrastructure work and everything that a City Manager is supposed to do in his view was accomplished.

Councilman Best said that one of his colleagues mentioned that if Mr. Borgmann has any criticism to lay it is how he takes it. He thinks Jim knows that better than anybody. The City Manager has a staff that brings him up when he needs to be brought up and that is a credit to him in putting that staff together. The City has one of the best CFO's in Miami-Dade County that was brought back because of Jim Borgmann and a golf course staff which has basically tried to stem the bleeding and done a nice job over the last two or three years in terms of bringing that number closer to where it makes sense. The City has had contracts signed, and numerous improvements to the Golf Course and all this is because of Jim Borgmann. He assured Council that he can work with Jim Borgmann and that he will be happy to vote for his continuance in the position this evening. He thanked the Mayor for the opportunity to speak.

Mayor Bain said that the City Manager has received some criticism tonight and Jim can take it, learn from it, and get better. The Mayor said he has had some of the same criticism earlier on.

Mayor Bain said that he is going to look at this in a different way. The Manager runs the operation of the City and he takes care of the City on a day-to-day basis and gets some guidance from the City Council every two weeks. Sometimes Council makes a mistake in not being committed to what they want to do. The most important thing that somebody has to understand is that the Manager has five personalities to deal with, each one wanting a different thing. He also has to deal with phone calls. He has met with the Manager in his office talking with him and has seen 35 e-mails come in during the hour he sat there.

Mayor Bain was of the opinion that the City Manager can improve with the criticism he received. He thought that Vice Mayor Ator was fair in her evaluation with good and bad points. He served with the City Manager all these years and accomplished enough.

The Mayor agreed that the City Manager could be more innovative in regard to certain things and he has discussed that point with him. The Manager is not perfect, but he has done a good job during the time that he has served as Mayor. When he has an issue with the City Manager he goes to his office to tell him and sometimes he has the City Attorney present so that he does not say anything he might get in trouble for, but he takes care of the issues and half of the time he does not get his way.

Councilman Espino wanted to clarify a couple of things. He stated that he thoroughly enjoyed and appreciated everything Vice Mayor Ator said just because it makes him feel he is not the only one with the negative comments.

Councilman Espino said that there were actions against the Council as a whole. Jim has been City Manager for seven years now, and before that he was involved in the City, he was on the Council. He agreed with Councilman Best when he said that the City Manager is extremely experienced. Vice Mayor Ator gives him the benefit of the doubt in saying that there are areas in which he needs to grow, but he has first hand experience. They are not failures of competency, they were purposeful subversions of what Council was trying to do. The skateboard park was a prime example when the City Manager said that he would look at the motion again.

Addressing Mayor Bain, Councilman Espino said that he had tried to do what the Mayor recommended. But unless Jim does a 180, in terms of his interaction with Council and all the things that Vice Mayor Ator and he have pointed out, Council is going to continue with the same thing and that is what he told the City Manager in January. After many months he really wants to see some improvement because he will not get his vote. Councilman Espino said that he told him that and it was not “get me this, get me that” because he would never do that since he understands that dynamic. He just wanted to make that clear for the record.

Councilman Best moved to continue the City Manager in position for the fiscal year 2010-2011.

City Attorney Seiden said that just a vote of confidence is necessary.

Councilman Best said “so moved”. Councilman Lob seconded the motion which was carried 4-1 on roll call vote with Councilman Espino casting the dissenting vote.

City Manager Borgmann thanked Council and stated that he understands what they are saying and that he thinks his staff heard that we are going to be doing things a little differently and we will move forward.

12. Reports & Recommendations:

12A) City Attorney

Impact of Historic Designation

City Attorney Jan K. Seiden explained that he did not receive any input from the Historic Preservation Board in response to his request for their assistance in drafting information outlining the impact of historic designation. He asked Council to review his draft and to call him with any comments or changes.

The City Clerk will send a copy of the draft to the Historic Preservation Board for their comments.

12B) City Manager

Water Treatment

City Manager Borgmann received notice from Miami-Dade County Water and Sewer Authority informing him of the change in chlorination method in the drinking water from Oct 22nd until November 6th. This treatment is done on a regular basis, it is not harmful and people may experience a chlorine taste in the water.

12C) City Council

Water Treatment

Councilman Best received a door hanger notifying him of the change in chlorination method.

Curtiss Mansion, Inc.

Councilman Best announced that last Friday a visit was made by Pedro Villa, the new representative to Senator Bill Nelson. Mr. Villa was accompanied by Michael Kesti and the purpose of the meeting was to discuss the Curtiss Mansion, Inc. (CMI) fundraising initiative. They received a tour of the Community Center, the Curtiss Mansion and the grounds. They seemed to be very impressed and hopefully this will help with the fundraising efforts.

Pelican Playhouse

Councilman Best reported that the final production of the Playhouse was held on Sunday, October 3rd and there was a 75% sell out of all performances that were well received. He noticed many new attendees, which is very good for the theatre.

Davy Jones Concert

Councilman Best recognized Donna Wood-Beney who previously spoke in regard to the Davy Jones Concert on Sunday, October 17th. He commented that there is limited seating and the tickets will be sold quickly.

Bike Path Lighting

Councilman Best received comments from citizens about how close the lighting on Ludlam is to the side of the road and the traffic. There was some discussion about the installation of a railing along the bike path.

Community Summit

Councilman Espino hosted the Community Summit and it was very well received. There is a consensus for some ideas that the City could do and he is in the process of drafting minutes of the meeting that will be brought to Council. The ideas include a community calendar on the new City website and appointing a Community Liaison to avoid duplication of events. There were more than thirty organizations that attended and it was great.

Quality of Sound: Rebeca Sosa Theatre

Councilman Espino thanked Nancy and Ralph Wakefield of the Pelican Playhouse for helping him with the sound system during the Community Summit. He said that the quality of the sound needs to be addressed because it limits the type and quality of the events in the Rebeca Sosa Theatre.

City Manager Borgmann announced that a performing arts theatre on Lincoln Road is closing and he will see if the City can acquire some of their acoustic materials. In addition, the City is still in line for a County grant for the purpose of purchasing sound equipment. The materials that were approved for the gym floor will be used in the theatre during performances to help with the sound.

Intergovernmental Relations Committee

Councilman Espino announced that on Friday, October 8th he attended the Florida League of Cities Intergovernmental Relations Committee and there was a consensus that they want to expand the use of Law Enforcement Trust Fund dollars for one time capital expenditures, not recurring expenses. He will attend another meeting in November when the language will be finalized in legislative form.

Relay for Life

Councilman Espino reported that the Relay for Life 5K race on Saturday, October 2nd was very successful and ran smooth. The Police Department did a tremendous job making sure that everyone was safe with no incidents. There were more than 125 participants who raised more than \$2,000.00.

Bike Path Lights

Councilman Espino stated that he is receiving compliments about the lights on Ludlam Drive, the speed of installation and quality of the work.

Rio Vista Drive Survey

Vice Mayor Ator asked about the status of the survey that was conducted for 792 Rio Vista Drive related to the parking.

City Attorney Jan K. Seiden explained that the survey was performed and the property owners were put on notice. Final determination will depend on the skateboard park. If Council would like to make an issue of the encroachment, enforcement action can be taken against them, but right now it is not an issue.

City Manager Borgmann asked if the City would be liable if someone were to be injured in the driveway that lies on City property.

City Attorney Seiden explained that the City would probably not be liable and it is really a simple matter of asking for the property back if Council gives that direction.

Vice Mayor Ator would like to see a sketch of the property to know if it is contiguous with the rest of City property in order to be able to decide if something can be done with it.

Council Agendas

Vice Mayor Ator stated that the .pdf document files on-line for the Council agendas are very large and difficult to open, which makes it difficult for the citizens to view.

Councilman Lob explained that the papers are scanned and that makes the file very large. He suggested utilizing Office 2007 that can save files in .pdf format and this would reduce the file size and allow the text to be searchable.

Water Fountains

Mayor Bain requested an agenda item for Council to consider the water fountains for the bike path and if they can be installed utilizing the Citizen Independent Transportation Trust (CITT) funds.

October 16th Event

Vice Mayor Ator stated that the event at the Community Center on Saturday, October 16th was previously brought to Council with limited information. Her husband received a ticket to the event in the mail, which is a Hispanic Heritage Month celebration. It is upsetting to her that it was brought to Council under the guise of secrecy and that it was for charity. Now it is five days before the event, there is no mention of the charity and she does not know who is paying for the expenses.

Assistant City Manager Gorland explained that the Miami Heat raises funds outside of the event; very little money is raised during the event and this is the fifth year. One of the conditions was that confidentiality had to be maintained and the event was not promoted until the day before giving the City 1,200 tickets to be distributed through the Parks and Recreation Department to the various sports organizations.

Vice Mayor Ator reiterated that there was a shroud of secrecy and she believed Council was approving a charity event that would bring in some big name people to support the charity and that is not what this event is about. She is asking for proper information in the future.

Assistant City Manager Gorland added that there will be 100 kids inside the Community Center gym that will participate in separate events. People must come to the door at 11:00 a.m. and stay for the duration of the event. Each Council member will be given a pass to the inside event and if they cannot attend they should let the Administration know. He explained that many of the details came out in subsequent discussions with the Police Department and there is more information today than when it was first brought to Council. He explained that Councilman Espino and his wife were asked to involve the Relay for Life in the fundraising at the event.

Councilman Espino stated that as the Administration received additional information it would have been appropriate to also advise Council about the event. He agreed with Vice Mayor Ator that Council needs to be kept informed.

Vice Mayor Ator explained that there were concerns about the size of the event and the crowd control and Council supported the event based on the limited representations and that it was a charitable event.

Councilman Best felt that the intent of the event was to bring in people to the City of Miami Springs.

Councilman Lob stated that this might be a year-end party after putting together all the charity events and the event meets his approval. He agreed that Council should be informed as things come up.

Sanitation Fees

Mayor Bain stated that former Councilman Xavier Garcia helped to acquire information from Commissioner Sosa's office about the sanitation fees being placed on the tax bill. He said that the fees are levied the same as taxes and he distributed copies of an e-mail for Council to review.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 10:23 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved during meeting of: 10/25/2010.

Transcription assistance provided by Suzanne S. Hitaffer.

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.